

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (LODG) NO. 296 OF 2006

1. Vishwanath J. Tendulkar & 40 ors.] .. Petitioners

Versus

1. Slum Rehabilitation Authority]
and 10 ors.] .. Respondents

Mr. P.M. Havnur for the petitioners.

Mr. G.D. Uttangale for the respondent No.1.

Mr. Pradeep Jadhav, AGP, for respondent Nos.2 to 4 & 8.

Ms. T.H. Puranik for respondents No.5, 6 and 7.

Mr. S.G. Surana for respondent No.9.

Mr. Rajesh Chaturvedi for respondent No.10.

Ms. H. Patel for intervenors.

**CORAM: F.I. REBELLO &
 ANOOP V. MOHTA, JJ.**

DATED: 16TH MARCH, 2006

P.C. :

. Heard counsel for the parties. A SRA Scheme has been sanctioned for final Plot No.106. Annexure II to the IOD contains a list of 2167 persons who are entitled to be rehabilitated. Out of them so far 893

have been held to be eligible. The claims of another 1274 has yet to be ascertained.

2. Insofar as the petitioners are concerned, it is pointed out that names of 37 persons are included in Annexure II. Out of these 37 persons, 12 persons have entered into agreement with the developer. From these 12 persons, 11 have been held to be eligible. On behalf of the builder/developer, learned counsel points out that as of today, 1514 persons from the list are held to be eligible for rehabilitation.

3. With the above background, the question is whether this Court ought to interfere at this stage with the Scheme as sanctioned. The grievance of the petitioner is that though the SRA Scheme is for final plot No.106, yet the builder is trying to carry out activities in plot outside final plot No.106. It is also pointed out that there are nearly 4000 persons who are eligible, but names of only 2167 persons have been included. These are questions of fact which, at this stage, we cannot go into. The Petition, however, can be disposed of by issuing the following directions:

(i) SRA to make available to the

petitioners, through their counsel, an updated list of persons whose names are included in Annexure-II to the IOD. This to be done within one week from today.

(ii) The developer-respondent No.9 to make available to the petitioners, through their counsel, a legible copy of the plan which is annexed at page 121 to the Petition. This to be done within one week from today.

4. With the above directions, Writ Petition stands disposed of.

5. We make it clear that we have not decided the rights of the persons who are not before this Court or whose names are not included in the Annexure. Those issues are left open in the event any of those parties choose to contest their rights. If in respect of rest of the petitioners their names are not included in Annexure II, it will be for them to make representations to the competent authority who will decide their claims. If aggrieved, needless to say those petitioners will have a remedy at law which will be available to them.

It would be open to the petitioners to independently file a representation to the Corporation that development is going on beyond final plot No.106 and if such representation is made, the Corporation to enquire into the claim and take appropriate steps according to law.

[F.I. REBELLO, J.]

[ANOOB V. MOHTA, J.]